

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

MONROE DIVISION

KOYNE D. SMITH	*	CIVIL ACTION NO. 09-0017
VERSUS	*	JUDGE ROBERT G. JAMES
CVS PHARMACY, INC.	*	MAGISTRATE JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Before the Court is an unopposed motion to stay proceedings filed by plaintiff Koyne Smith ("Smith"). (Doc. #40). The district court referred the motion to the undersigned magistrate judge for decision pursuant to 28 U.S.C. § 636(b)(1)(B). For reasons stated below, the motion to stay proceedings is **DENIED**.

According to the complaint in this matter, in October 2007, Dr. Cynthia Louise Brown-Manning ("Dr. Brown-Manning") examined Smith and prescribed her various diuretics, including Torsemide and Metolazone. (Doc. #1, Ex. A, p.1). On November 7, 2007, CVS pharmacist Michael Lindsey filled the prescription for Torsemide. *Id.* On November 15, 2007, CVS pharmacist Anna Chop filled the prescription for Metolazone. *Id.*

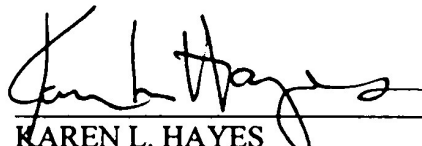
On November 24, 2007, Smith was diagnosed with renal failure, which required her to undergo extensive medical treatment. *Id.* at 2. Smith subsequently filed a medical malpractice claim against Dr. Brown-Manning in state court as well as the instant suit against defendant CVS Pharmacy, Inc. ("CVS"), which was removed to federal court. Smith specifically contends that the CVS pharmacists deviated from the standard of care of licensed pharmacists by "not thoroughly checking on drug interactions in reviewing [Smith's] prescription profile." *Id.* at 3.

On November 22, 2009, Smith filed the instant motion to stay proceedings pending the ruling of a medical review panel in connection with Smith's malpractice action against Dr. Brown-Manning. *See generally* LA. REV. STAT. ANN. § 40:1299.47. The medical review panel will ultimately provide its expert opinion on whether Dr. Brown-Manning "acted or failed to act within the appropriate standards of care." *Id.* at § 40:1299.47(E).

Smith has failed to demonstrate how the ruling of the medical review panel will affect her claims against CVS. Indeed, Smith merely states that the absence of a ruling from the medical review panel is "detrimental" to her efforts to "go forward with the trial with CVS." Accordingly, Smith's motion to stay proceedings is **DENIED**.

IT IS SO ORDERED.

THUS DONE AND SIGNED, in chambers, in Monroe, Louisiana, on this 5th Day of January, 2010.


KAREN L. HAYES
U. S. MAGISTRATE JUDGE